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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 19-CR-655-HSG-12
)	
Plaintiff,)	STIPULATION AND ORDER SETTING
)	CHANGE OF PLEA AND SENTENCING
v.)	DATE; EXCLUSION OF TIME
)	
TERESA GUZMAN-RODRIGUEZ,)	
a/k/a "Mono" a/k/a "Monos,")	
)	
Defendant.)	
)	
)	

IT IS HEREBY STIPULATED by and between the parties to this matter shall be set for a combined change of plea and sentencing hearing on May 5, 2021, at 10:00 a.m. The parties are prepared to set a sooner change of plea date, however, given the current health crisis and shelter-in-place orders due to COVID-19, counsel understand that it is the Court's preference to hold both the change of plea and the sentencing on the same date. Therefore, the parties respectfully request that the Court set a combined change of plea and sentencing hearing on May 5, 2021, at 10:00 a.m.

IT IS FURTHER STIPULATED that the time from December 3, 2020, through May 5, 2021, should be excluded pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B)(i) and (h)(7)(B)(iv) on the basis

1 that the ends of justice served by the continuance outweigh the best interests of the public and defendant
 2 in a speedy trial, and failing to exclude time from December 3, 2020, through May 5, 2021, would deny
 3 counsel the reasonable time necessary for effective preparation, taking into account the exercise of due
 4 diligence.

5 Time should also be excluded pursuant to General Order 72, providing guidance to the parties
 6 during the COVID-19 pandemic and specifically noting the Court's reduced ability to obtain an adequate
 7 spectrum of jurors and the effect of public health recommendations on the availability of counsel and
 8 court staff to be present in the courtroom. The Court therefore ordered that the time period of
 9 continuances is appropriately excluded under the Speedy Trial Act because the ends of justice served by
 10 ordering the continuances outweigh the interest of the public and any defendant's right to a speedy trial
 11 pursuant to 18 U.S.C. § 3161(h)(7)(A).

12 SO STIPULATED, AGREED, AND RESPECTFULLY REQUESTED:

14 DATED: December 3, 2020

DAVID L. ANDERSON
 United States Attorney

16 /s/ Molly A. Smolen
 MOLLY A. SMOLEN
 Assistant United States Attorney

18 DATED: December 3, 2020

19 /s/ Bruce Funk
 BRUCE FUNK
 Attorney for Defendant

23 **ORDER**


24 Pursuant to the parties' stipulation, IT IS HEREBY ORDERED that a combined change of plea
 25 and sentencing hearing is set for May 5, 2021, at 10:00 a.m.

26 Based upon the representations of counsel and for good cause shown, the Court finds that failing
 27 to exclude the time from December 3, 2020, through May 5, 2021, would deny counsel the reasonable

1 time necessary for effective preparation, taking into account the exercise of due diligence. The Court
2 further finds that the ends of justice served by excluding the time from December 3, 2020, through May
3 5, 2021, from computation under the Speedy Trial Act outweigh the best interests of the public and the
4 defendant in a speedy trial. Furthermore, as discussed in the Court's General Order 72, the country's
5 public health interest in stemming the spread of COVID-19, the Court's reduced ability to obtain an
6 adequate spectrum of jurors, and the effect of public health recommendations on the availability of
7 counsel and court staff to be present in the courtroom, outweighs the interest of the "public and the
8 defendant in a speedy trial." § 31671(h)(7)(A). Therefore, IT IS FURTHER ORDERED that the time
9 from December 3, 2020, through May 5, 2021, shall be excluded from computation under the Speedy
10 Trial Act. 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

11 IT IS SO ORDERED.

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13 DATED: 12/11/2020

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15 HON. HAYWOOD S. GILLIAM, JR.
16 United States District Judge
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